

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2005/003988

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> A61K47/10      A61K47/12      A61K47/26      A61K47/36      A61K47/38 A61K47/40      A61K9/19      A61K9/20		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) A61K		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, PAJ, CHEM ABS Data, EMBASE, BIOSIS, FSTA		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 417 985 A (COUTEL ANNE ET AL) 23 May 1995 (1995-05-23) abstract column 7, paragraph 2 claims	1-41
X	FR 2 661 610 A (RHONE POULENC SANTE) 8 November 1991 (1991-11-08) abstract examples	1-41
X	US 2002/142038 A1 (THOMPSON ANDREW R ET AL) 3 October 2002 (2002-10-03) cited in the application abstract example 4 claims	1-41
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<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C. <input checked="" type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents : "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier document but published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art. "&" document member of the same patent family		
Date of the actual completion of the international search		Date of mailing of the international search report
2 February 2006		14/02/2006
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer  Giménez Miralles, J

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 214 386 B1 (GOLZI ROBERTO ET AL) 10 April 2001 (2001-04-10) abstract example 10	1-41
Y	EP 0 153 998 A (CHIESI FARMACEUTICI S.P.A) 11 September 1985 (1985-09-11) cited in the application the whole document	1-41
Y	US 4 762 702 A (GERGELY GERHARD ET AL) 9 August 1988 (1988-08-09) claims; examples	1-41
Y	US 4 684 534 A (VALENTINE ET AL) 4 August 1987 (1987-08-04) column 3 - column 4; examples; tables	1-41
A	EP 1 273 291 A (MCNEIL-PPC, INC) 8 January 2003 (2003-01-08) examples	1-41

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## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 1,20,21,28,31; and 22,35,40 (in part)  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 1,20,21,28,31; and 22,35,40 (in part)

Present independent claim 1, by the use of the definition "one acid selected from the group consisting of organic acids containing 2 to 8 carbon atoms", relates to an extremely large number of possible compositions. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compositions claimed. It is the same for claims 20, 21, 28, 31, 22, 35 and 40. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compositions comprising citric acid or fumaric acid within the meaning of present claim 2, as interpreted in connection with the examples. For the same reasons, from the lists of non-lipidic binders and fillers defined in claim 1, which define an extremely large number of possible compositions, only the compositions having support in the examples have been searched.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5417985	A	23-05-1995	NONE	
FR 2661610	A	08-11-1991	NONE	
US 2002142038	A1	03-10-2002	NONE	
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Information on patent family members

International Application No

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